

REMARKS

Applicants have amended claims 13 and 18, and have cancelled claims 1-12, 14-15, and 19-20, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The negative limitation added to claims 13 and 18 of “SMS message not including any information comprised by said confidential user information” is supported in the specification, page 9 lines 14-26 which recites: “The step of booking by calling on a mobile phone (200) is performed by the customer keying in and sending (315) an SMS string containing a service identification number through the wireless network, for instance a GSM network (100). ... *Note that the user is not sending over the wireless network any readable sensitive information, nor is he/she keying in any security PIN on his/her cellphone*” (emphasis added). Step 200 in FIG. 2 recites: “The application server receives user’s call from the wireless network”

The Examiner rejected claims 13-22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2007/0027803 to Brandes et al., in view of U.S. Patent Application Publication No. 2002/0120585 to Talker.

Applicants respectfully traverse the § 103 rejections with the following arguments.

35 U.S.C. § 103(a): Claims 13-22

The Examiner rejected claims 13-22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2007/0027803 to Brandes et al., in view of U.S. Patent Application Publication No. 2002/0120585 to Talker.

Since claims 14-15 and 19-20 have been cancelled, the rejection of claims 14-15 and 19-20 under 35 U.S.C. § 103(a) is moot.

Applicants respectfully contend that claims 13 and 18 are not unpatentable over Brandes in view of Talker, because Brandes in view of Talker does not teach or suggest each and every feature of claims 13 and 18.

For clarification, Applicants assume that in Brandes, FIG. 1: the buyer (13) represents the claimed user, the seller (14) or “merchant” represents the claimed retailer, and the server (20) within the payment center (17) represents the claimed transaction server.

A first example of why claims 13 and 18 are not unpatentable over Brandes in view of Talker is that Brandes in view of Talker does not teach or suggest the feature: “after said storing, said transaction server receiving a Short Messaging Service (SMS) message from the wireless device of the user, said SMS message comprising a retailer identification identifying the retailer, ***said SMS message not including any readable sensitive information***” (emphasis added) and “said confidential user information comprising a first user identification identifying the user and a first personal identification number (PIN) pertaining to the user”.

Applicants respectfully contend that the only communication from the buyer to the server 20 in Brandes, FIG. 1 is via communication paths 7a, 7b, 7c, and 7d in which the buyer 13

transmits readable sensitive information (i.e., a secret code) to the server 20 as disclosed in Brandes, Pars. [0158], [0159], [0160], and [0156], respectively.

Therefore, Brandes in view of Talker does not disclose the preceding feature of claims 13 and 18.

A second example of why claims 13 and 18 are not unpatentable over Brandes in view of Talker is that Brandes in view of Talker does not teach or suggest the feature: “*in response to said transaction server receiving the SMS message from the wireless device of the user and the second user telephone number from the carrier*, said transaction server verifying that the second user telephone number matches the first user telephone number and that the retailer identification matches the retailer identifier” (emphasis added).

Applicants respectfully contend that Brandes, Par. [0141] discloses said “verifying” in response to the communication received by the server 20 from the seller 14 along communication path 2a. Brandes, Par. [0136] discloses that communication path 2a is used to communicate from the seller 14 to the server 20. Thus, the disclosed “verifying” in Brandes is not in response to the server 20 having received a message from the buyer 13 as claimed.

Therefore, Brandes in view of Talker does not disclose the preceding feature of claims 13 and 18.

A third example of why claims 13 and 18 are not unpatentable over Brandes in view of Talker is that Brandes in view of Talker does not teach or suggest the feature: “in response to said verifying, said transaction server sending the first user identification and the first PIN to the

POS comprised by the retailer which results in the sent first user identification and first PIN being received by the POS”.

Applicants respectfully contend that the only communication from the server 20 to the seller 14 in Brandes, FIG. 1 is via communication path 10 in which the confirmation of the transaction is communicated as disclosed in Brandes, Par. [0162]. Brandes does not disclose the server 20 sending to the seller 14 the first user identification and the first PIN as claimed.

Therefore, Brandes in view of Talker does not disclose the preceding feature of claims 13 and 18.

A fourth example of why claims 13 and 18 are not unpatentable over Brandes in view of Talker is that Brandes in view of Talker does not teach or suggest the feature:

“after said sending the first user identification and the first PIN to the POS, said transaction server receiving from the retailer payment information comprising a fee required to be paid by the user to the retailer with respect to the transaction, said receiving the payment information occurring in response to:

the user having entered on the POS both a second user identification identifying the user and a second PIN pertaining to the user, and

the retailer having confirmed that the second user identification entered by the user matched the first user identification received by the POS from the transaction server and that the second PIN entered by the user matched the first PIN received by the POS from the transaction server”.

Applicants respectfully contend that Brandes, Par. [0136] discloses the server 20 receiving from the seller 14 the amount of the transaction in response to the transaction being conducted between the buyer 13 and the seller 14 as disclosed in Brandes, Pars. [0134] - [0136], but *not in response to* “the user having entered on the POS both a second user identification identifying the user and a second PIN pertaining to the user, and the retailer having confirmed that the second user identification entered by the user matched the first user identification received by the POS from the transaction server and that the second PIN entered by the user matched the first PIN received by the POS from the transaction server” as claimed.

Furthermore, Brandes does not disclose: “the user having entered on the POS both a second user identification identifying the user and a second PIN pertaining to the user, and the retailer having confirmed that the second user identification entered by the user matched the first user identification received by the POS from the transaction server and that the second PIN entered by the user matched the first PIN received by the POS from the transaction server”.

Therefore, Brandes in view of Talker does not disclose the preceding feature of claims 13 and 18

Based on the preceding arguments, Applicants respectfully maintain that claims 13 and 18 are not unpatentable over Brandes in view of Talker, and that claims 13 and 18 are condition for allowance. Since claims 16-17 depend from claim 13, Applicants contend that claims 16-17 are likewise in condition for allowance. Since claims 21-22 depend from claim 18, Applicants contend that claims 21-22 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM). The Attorney's reference number for this case is END-9224.

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